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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | No. CR-05-00775 JF |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER CONTINUING HEARING |
| vs. |) | |
| |) | |
| CATHERINE ANN McMURRY, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

STIPULATION

The parties hereby stipulate and agree that the status hearing in the above-captioned matter, currently set for September 6, 2006, may be continued to October 4, 2006 at 9:00 a.m. The reason for the requested continuance is to facilitate production of records by Zomax Inc., the victim company, pursuant to a subpoena duces tecum served by the defense. Due to the large volume of records that Zomax has recently identified as potentially responsive to the Rule 17(b) subpoena, and related concerns Zomax has raised as to the cost and logistical burden of identifying and copying that subset of the records which are actually responsive to the subpoena, the defense has agreed to review records produced by Zomax and to identify and copy the responsive documents itself. The defense estimates that it has completed approximately one-third of this process.

1 The parties further stipulate that 28 days may be excluded from the computation of time
2 within which trial must commence pursuant to Title 18, United States Code Section
3 3161(h)(8)(A) and 3161(h)(8)(B)(iv), as time reasonably necessary to effective preparation,
4 taking into account the exercise of due diligence.

5
6 Dated: September 5, 2006

7 s/_____
8 CYNTHIA C. LIE
Assistant Federal Public Defender

9 Dated: September 5, 2006

10 s/_____
11 SHAWNA YEN
Assistant United States Attorney

12
13 **[PROPOSED] ORDER**

14 Good cause appearing and by stipulation of the parties, it is hereby ordered that the status
15 hearing in the above-captioned matter shall be continued from September 6, 2006 to October 4,
16 2006 at 9:00 a.m.

17 It is further ordered that the intervening 28 days shall be excluded from the computation
18 of time within which trial must commence under the Speedy Trial Act, pursuant to Title 18,
19 United States Code Section 3161(h)(8)(A) and 3161(h)(8)(B)(iv).
20

21 Dated: September 6, 2006

22 
23 JEREMY FOGEL
United States District Judge